

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

KEENAN KEEN,

Petitioner,

v.

OFFICER RICHARD SHOALES,

Respondent.

No. **1 06 0039**  
**JUDGE HAYNES**

**ORDER**

Before the Court is a *pro se* prisoner petition filed under 42 U.S.C. § 1997c(a)(1). Petitioner, an inmate at the Turney Center Industrial Prison ("Turney Center") in Only, Tennessee, also has submitted an application to proceed *in forma pauperis*.

From a review of his application to proceed *in forma pauperis*, it appears that Petitioner lacks sufficient financial resources to pay the filing fee. Therefore, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk will file the complaint *in forma pauperis*. 28 U.S.C. § 1915(a).

Petitioner is herewith assessed the civil filing fee of three hundred fifty dollars (\$350.00). Pursuant to 28 U.S.C. §§ 1915(b)(1)(A) and (B), the custodian of Petitioner's inmate trust fund account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is the greater of:

- (a) twenty percent (20%) of the average monthly deposits to Petitioner's inmate trust fund account; or
- (b) twenty percent (20%) of the average monthly balance in Petitioner's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of Petitioner's preceding monthly income, or income credited to Petitioner's inmate trust fund account for the preceding month, but only when such monthly income exceeds ten dollars (\$10.00). Such payments shall continue until

the filing fee of three hundred fifty dollars (\$350.00) has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a). 28 U.S.C. § 1915(b)(2).


As provided in the Memorandum entered contemporaneously herewith, Petitioner's petition is DISMISSED for failure to state a claim on which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B)(ii); 1915A(b)(1). Because an appeal from the judgment rendered herein would not be taken in good faith, Petitioner is NOT certified to pursue an appeal from this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 444-46 (1962). Nevertheless, should Petitioner decide to file a notice of appeal, he either must pay the Clerk of Court the full appellate filing fee of four hundred fifty-five dollars (\$455.00), or submit a new application to proceed *in forma pauperis* with a certified copy of his inmate trust fund account statement for the six (6) month period preceding the filing of his notice of appeal. 28 U.S.C. §§ 1915(a)(1) and (a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6<sup>th</sup> Cir. 1997).

The Clerk is instructed to forward a copy of this Order to the Warden at Turney Center to ensure that the custodian of Petitioner's inmate trust fund account complies with the portion of the Prison Litigation Reform Act that pertains to the payment of filing fees.

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.

**ENTERED** this the 13<sup>th</sup> day of June, 2006.

  
William J. Haynes, Jr.  
United States District Judge